to submit is, while answering a specific question, it is not possible for me to make a general policy decision. We are discussing that matter threadbare. There is no question of running away from the facts as you and I see them and if we don't have to run away, as we do not want to, we have to do something about it. But, they cannot specifically ask me in the course of answering a question to tell them as to what we would be doing. I have taken note of the suggestion and that suggestion is there.

श्री ईश दत्त यादव : मान्यवर सभापति जी, श्री दिग्विजय सिंह जी के मूल प्रश्न के उत्तर में प्रधानमंत्री जी ने जो उत्तर दिया है, उसी से मेरा प्रश्न उत्पन्न हो गया। प्रधानमंत्री जी ने यह कहा कि न्यायालय के निर्णय के बाद भी और किसी अधिकारी के दंडित हो जाने के बाद भी यह सरकार विचार करेगी और स्वाविवेक से सरकार निर्णय लेगी कि क्या परिस्थितियां ऐसी है कि उसे पुनर्नियुक्ति दी जा सकती है । उसी से संबंधित मेरा प्रश्न है। मैं आपके माध्यम से प्रधानमंत्री जी से यह जानना चाहता हूं कि क्या इसके लिए सरकार ने कोई गाइडलाइन भी बनाई है, इस तरह का कोई मापदंड भी निर्धारित किया है कि न्यायालय से सजा पाने के बाद भी उस अधिकारी के बारे में किन-किन परिस्थितियों पर विचार किया जाएगा? दूसरा मेरा प्रश्न होगा, पार्ट "दी" इसका होगा, उसके बाद भी विभागीय कार्यवाही उसके खिलाफ हुई और विभागीय कार्यवाही में भी वह दोषी पाया गया तो क्या इन परिस्थितियों में भी, न्यायालय से दंडित होने के बाद और विभागीय कार्यवाही में दोषी पाए जाने के बाद भी, दोनों परिस्थितयों के बाद भी उस अधिकारी की पुनर्नियुक्ति के लिए कोई केन्द्र सरकार का इस तरह का मापदंड है, इस तरह का निर्देश है और क्या किसी ऐसे अधिकारी को पुनर्नियुक्ति दी गई है, जो न्यायालय द्वारा भी दंडित हुआ हो और विभागीय कार्यवाही में भी दोषी पाया गया हो ?

SHRIMATI MARGARET ALVA: Sir, we have issued detailed guidelines. The rule provision is detailed. I can hand it over to the Member. It is Rule 19(i) of the CCS. Rules, 1965, wherein detailed guidelines have been given. Sir, I am repeating that conviction by itself does not have to lead to dismissal. For instance, a member of the Civil services may be convicted for rash and negligent driving or he may get involved in an accident or three may be various other matters on which he is convicted. He is deemed to be under suspension the moment he is in jail for than 48 hours. The guidelines which we have issued are that it is the disciplinary authority which has to look into the Supreme Court judgments, the facts and the circumstances of the case that led to hit conviction and then make up its mind as to what punishment has to be given. It ii for the disciplinary authority to take the final decision. In addition to that, it is required by the Supreme Court that a notice should be given to the officer and his explanation or his views would have to be taken into view before the penalty is imposed. This is the protection provided constitutionally to the Civil servant and it is also provided under the guidelines. It is for the State Governments, therefore, to look into it. I am not politicising this. But there are so many cases—I have the whole list with me—where the officers who have been convincted or the officers who are facing charges of causing death in custoday or other such things or officers against whom criminal cases are pending, have been reinstated by State Governments and even while the trial is going on, even in criminal matters, they have been allowed to rejoin service in various States. I am not saying whether it is right or wrong. But these are the facts. It is up to the State Govemments, therefore, to take the decision. They are under their disciplinary authority.

MR. CHAIRMAN: The indestructibility of the civil servant is established.

MR. CHAIRMAN: Question No. 302.

Functioning of the All India Services

*302. SHRI JAGMOHAN: Will the PRIME MINISTER be pleased to state (a) whether the functioning of the all India service-IAS and IPS-has, of late,

deteriorated sharlply in some of the States;

(b) whether the morale of these services is very low and there are factions and group rivalries amongst them;

(c) whether senior officers of these services at the Centre have urged the Union Government to take immediate corretive measures; and

(d) what is Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): (a) to (d): Phenomena such as deterioration in the functioning of the I.A.S. and I.P.S. and the morale of the services are essentially qualitative in nature and the existence of group and factional rivalries are a matter of individual perceptions, involving value judgements. The Cabinet Secretary has held some meetings in the recent past to discuss issues such as reforms in the Civil Services. Reforms in Civil service is, however, an ongoing process, the endeavour of the Government being to introduce such changes as are required to meet the new challenges, that the administrators face in the performance of their assigned duties.

SHRI JAGMOHAN: Sir, the reply is rather general. I want to ask specifically, as the first supplementary, whether the Government are aware of what has been called as a sort of 'transfer industry' and over which the Lal Bahadur Shastri National Academy of Administration, Mussoorie, has expressed concern in a paper prepared by it, that it is demoralishing the services in some of the major States. And I would also like to know whether a Group of chief secretaries—I am asking a specific question—met the Cabinet Secretary and brought this undesirable development to the notice of the cabinet secretary and the Cabinet secretary agreed to place it before the hon. Prime Minister. Is this true or not? This is part (a) of my question. Part (b) of my question is this. Is it also within the notice of the Government that a large number of unnecessary senior scale posts or super-time-scale posts are created in the State Govemments just to accommodate what were called inconvenient officers? I would like to know whether the Government recognises this fact that such a wasteful expenditure causes a lot of frustration to the officers who have practically no work to do. Both in the IAS and IPS, at the seniormost level, a large number of unnecessary posts have been created and they will tell you, "Sir, we have no work to do." What effective action are you taking, I mean, precise and effective action are you taking to ensure that apart from saving wasteful expenditure, apart from ensuring that the Constitutional scheme of having an independent, impartial and objective civil service, stable civil service, these objectives are met, or realised in practice and this demoralisation process does not go further? Already the steel structure has become what I call the 'bamboo structure' and it has also become moth-eaten. Will the Government be able to tell about some concrete measures that are being taken? The general thing is all right. So, I would also like to know whether the Government would consider a specific suggestion which I am making, i.e., in case of all arbitrary transfers, what the officers consider arbitrary or unnecessary transfers and acts of harassment and victimisation, will the Government consider making a sort of rule that the officer concerned would have the freedom to make representation to the U.P.S.C. or some independent statutory civil commission? They need for interfere in transfer, they need not interfere in anything, they just make a note of the fact that the officer has been aggrieved and he has brought this to the notice of some independent authority, say, statutory civil service commission or the U.P.S.C. *,„(Interruptions)..* .Please listen to me. The U.P.S.C. or that independent authority need not interfere

in the decision of the State Government or the Central Government, but they will take notice of it, make their own judgment and in the Annual Report which is placed before the Parliament that fact is mentioned as to what their observations are, whether this arbitrary transfer, or whether this appointment to an unnecessary post, was justified or not. So, then the Parliament can discuss it and if any state Government is not doing things properly, at least the public will come to know about it and also some of the officers who are unnecessarily making representations and making a grievance out of it will not be able to make it. This is my first supplementary. *... (Interruptions)...*

SHRIMATI MARGARET ALVA: Sir, there have been so many issues which the hon. Member has touched upon and I shall try to be as comprehensive as possible. Sir, it is a fact that the LBSNAA, the National Academy, had prepared, a Paper which was circulated to the members of the Committee of secretaries and which was looked into by them. The Cabinet Secretary had also discussed some of the issues raised in that paper. Sir, today we are talking, both within the services in the Ministry and outside, about reorienting the civil services to respond to the needs of changing economic environment, to the changing aspirations of the people, the third-level of administration brought in by the Panchayati Raj, and so on, and, therefore, the responses of the civil services and the administration have to be in tune with the aspirations of the people. There has to be recasting and reorientation of the services. Therefore, if every change is going to be considered as a criticism of or an attack on the services, I don't think it is correct. There is no demoralisation nor is there a feeling that everything is going wrong. The idea is that the administration from within itself feels that certain changes have become necessary in the perception and in the responses of the administration, and, therefore, these discussions are taking place. And I do admit, sir, because a number of officials also bring to our notice, the questions of transfers, of being posted at wrong places and of the ex-cadre posts which are being operated against our guidelines in the states. In some States, a Chief Secretary is picked up and five or six people are superseded because a particular Chief Secretary is anointed by the State Government and they have to be accommodated, so and they are accommodated on ex-cadre posts. Various things which are not fittings in with our guidelines just happen in the States. It is brought to our notice and we are repeatedly remainding the State Governments of the guidelines. Just recently I have addressed a letter to all the Chief Ministers pointing out that there is going to be a demorlisation in the State services unless the Chief Ministers ensure that the interests of the officials, of their career prospects, are kept in mind while dealing with the problems of postings, administration and career advancement of the State Services. But these are the things on which we have to admit that within a political system in a State, there are changes, transfers, appointments, which are made according to the responses and the requirements of the State Governments on which I, sitting here, cannot make either a moral or an administrative judgment. It depends on the local circumstances. But, Sir, I must say that the officials have been responding with tremendous courage, with tremendous commitment and if I can give you the list of officials who have died in the course of duty in the North-East, in Jammu and Kashmir, in Punjab, in the Southern States, facing various problems, I think, it shows that the morale and the commitment of the Services are still very high. If they are talking of the changes, it is because they feel the need to have a new perception and role for the bureaucracy.

SHRI JAGMOHAN: She had not responded to my suggestion which I have made. This is again a value judgement ... *(Interruptions)*...

SHRIMATI MARGARET ALVA: There is again a suggestion that there should be a kind of an appeal court outside the State administration to which officials can appeal if their transfers or postings, which according to them, are not fair Sir, there are already the CAT Benches now dealing even with postings. Sir, it has come to an extent that I get orders about cadre allotment of IAS and IPS officers from the CAT Benches, which was never envisaged. If you want the courts, you have the CAT. There is an authority which is the cadre controlling authority. Sir, the suggestion which has been made is for the CSB and for the administration to look at it. But, I personally feel that creating authority within the authority will only lead to conflict and more confusion. I can say, Sir, that these days the officers who come from the States, for instance, want to be posted to the economic Ministries, to the Commerce Ministry and certain other Ministries. I do not think that posting in the Ministry of Human Resource Development or the Department of Women or the Welfare Ministry is any less important. In fact, I think, they are today more important than many of the other Ministries. But, the perception is that some are glamorous Ministries and others are not. Therefore, it will depend on the perception of each officer on where he thinks his place lies, where he thinks justice would be done if he is posted. So, it is very difficult to pass any judgement as to who has been rightly treated and who has not been.

MR. CHAIRMAN: Second supplementary.

SHRI JAGMOHAN: Sir, I will ask the second supplementary. Sir, my question is limited to arbitrary transfers and not to appointments - where you are posted today and transferred tomorrow. Anyhow, I do not want to insist further on this. The other supplementary is this: Is it a fact that the Government of India has recently decided to initiate proceedings against four senior most IAS and IPS officers, who held very high and responsible posts, and these proceedings are being initiated merely because they advised, gave a particular advice about the security arrangements and so on about the legal position then obtaining? I don't want to go into the merits of the advice. These officers are being proceeded against, while against the political head who actually took the decision, no action is being taken.

So, does it not lead to frustration and heart-burning amongst the officers, number one? Does it not subvert the Constitutional scheme of having ministerial responsibility and how does it fit into the principles of Constitutional morality and maturity?

SHRIMATI MARGARET ALVA: Sir, this is a question of fact that the Government has taken a decision to initiate certain proceedings based on the findings of the Commission which had gone into the facts. I am not going into the issue of whether a political head should be proceeded against or not; it is a different question altogether. I can only say that it is fact, that this has happened and I believe that the enquiry itself will prove whether they were really responsible or not.

SHRI NILOTPAL BASU: Mr. Chairman Sir, I am afraid that the angle of my question is a little different from that of Jagmohanji's Actually, we have been expecting for quite some time now that there will be a comprehensive discussion on Centre-State relations and the relations between the Central Government and the State Governments covering all aspects of the issue. Now, there are also problems which the State Govemments face because the services are Central Services. In fact, the State Govemments have very few instruments through which at times the loyalty of the officers working under State Government

can be ensured. So, in this kind of a situation, does the Central Government envisage in the light of what the Minister say, that reshaping, recasting or reorientation of the entire approach of the service are necessary? In the light of all this, does the Government consider any changes and more so, in the light of the recommendations of the Sarkaria Commission?

SHRIMATI MARGARET ALVA: Sir, I am mentioning that recruitment is independent of either the State Government or the Central Government. The UPSC does the recruitment for All India services and the cadres are allotted. The cadres are the States to which they are allotted. I am sorry that the Member said that the loyalty to the State Government is not guaranteed or is in doubt. Sir, I beg to differ because, I believe that those who are in the State learn the language and become part of the State administration. There can be a rotten apple in any basket in any circumstances. But I do not think this is the rule. Sir, the hon, Member quoted the Sarkaria Commission. I would just quote one sentence from the Sarkaria Commission Report:

> "The All India Services are as much necessary today as they were when the Constitution was framed and continue to be one of the premier institutions for maintaining the unity of the country."

I. therefore, believe that even the Sarkaria Commission through its recommendations has spoken for continuing with the service system as it is now.

SHRI NILOTPAL BASU: I am not questioning the necessity, I am asking what kind of changes you envisage.

SHRIMATI MARGARET ALVA: Sir, I am not envisaging any changes as far as the cadre-controlling authority and their work in the State are concerned. But, I am just adding, Sir, that no State administration or no Chief Minister knows how and when to send officers on deputation to the Centre. Officers whom they do not find convenient within the State cadres are the first ones on the offer list to be sent to the Centre under the CDR. And they very conveniently send them away and make sure they do not get into their way.

SHRI ASHOK MITRA: It is a very irresponsible statement.

SHRIMATI MARGARET ALVA: It is true.

SHRI TRILOKI N&TH CHATURVEDI: Sir, the very fact, as the Minister has said, that the people rush to the CAT for even small things shows that there is demoralisation and discontent among the officers. There are many other symptoms also, and I need not go into them. The reply which the Minister has given that they want them to change and respond to the new circumstances is not at all disputed. Pandit Nehru said it. Mrs Gandhi set up , the Administrative Reforms Commission for this purpose. So did Mr. Rajiv Gandhi about the responsive administration, when you were there, Sir. The hon. Prime Minister himself, two years back, while he was speaking at the Academy of Finance & Accounts, also mentioned the same subject. There is no dispute about this. But, Sir, there is discontent within the Services. The fact that the Government, even after 45 .years of Independence, have to reorient and recondition them shows that there is difficulty, and I need not go into the kind of case which was mentioned earlier. The Prime Minister was correct about that distinction made because the All India Services Rules provide a separate procedure, apart from the Criminal Procedure Code. So, there is no dispute about it. But there is the question of propriety that some officers become favourites and then they get reinstated, while even for lesser offences, for lesser dereliction of their duties, some are punished. That is why this question of demoralisation comes. Sir, what Mr.

Jagmohan has mentioned is too serious a question and it cannot be just brushed aside by the kind of replies that have been given. May I, therefore, ask the Prime Minister whether he will appoint some kind of a Committee—the talk has been about the Cabinet Committee and the Secretaries Committee-a high-level Committee to go into this question as tol why even after these 45 or 46 years, it! has not been possible to restructure or recondition the bureaucracy to the changing times and needs, keeping intact their morale and discipline? And discipline also, becuase of this, is being eroded and I need not go into the question. The background of that Supreme Court case is very important. I do not want to refer to it. This was a virtual forgery, fabrication, giving a false affidavit to the Supreme Court, which led to the conviction. But since the All India Services Act prescribed a different procedure, my only request is that the two should not be just brushed aside like this. And will the Government appoint a Committee to review the entire situation at this stage?

The Prime Minister SHRI P.V. NARASIMHA RAO: All I can say is that there is no such proposal now. We have got any number of Commissions, their Reports. Some are being implemented, some were not found implementable. Once we allot an Officer to a State Government, I don't think we interfere; we do not, from the central Government. So, it is a question of a States Government and its own officers. They are working in great harmony in many cases. There may be some difficulty here and there. That always happens. Even here, it might happen. But we should not make that exception a rule and only see this kind of dissonance as the main feature there. It is not like that, Sir. So, we need not go into all the details of what has happened in each case and each officer and each State Government. Governments differ. Chief Minister differ. Ministers differ. Minister differ. Officers differ. How can we have one GCM-LCM for the whole thing, Sir? On the whole, it is working well. This is what I would like to submit.

SHRI TRILOKI NATH CHATURVEDI: With due deference and due humility to the Prime Minister, with your permission, Sir, I would like to mention that I do not want a case by case study of this. I only want a general Committee to be set up. I would also like to remind him, with the greatest of respect, that he himself is aware that his Ministry and the Governmnet of India are the controlling authority so far as the All India Services are concerned, and the Police Service and the Forest Service...

MR. CHAIRMAN: Please conclude.

SHRI TRILOKI NATH CHATURVEDI: That is why the question of demoralisation and discipline is certainly a matter for great concern to the Government of India.

SHRI P.V. NARASIMHA RAO: I would like to assure the Members that they could discuss with me. I am prepared to discuss with Chaturvediji.

He has been an experienced officer. We have worked with him. Like that, we have others also. Anyone who wants to give me suggestions, I am prepared to take.

SHRI TRILOKI NATH CHATURVEDI: Thank you.

SHRI P.V. NARASIMHA RAO: But I do not want to proliferate the Commissions and Committees. That is all my point.

The Government of India is the controlling authority. But when does the controlling authority come into the picture and start controlling? At a stage which is reached, for us to intervene. Only when that stage is reached, we do our duty. Otherwise, we send officers to the State Govemments. There are persons here who have been Chief Ministers. I was also one of them. I had not found anyone from the Government

of India interefering with my administration, my relations with my I.A.S. and I.P.S. officers, when I was there. This is the general experience. But there may be cases where we have to intervene, as the controlling authority. Those cases are few and far between.

MR. CHAIRMAN: question No. 303. *(Interruptions)*

Targets under PM's Rozgar Yojana in M.P.

*303. SHRI SURESH PACHOURI:
SHRI GOVIND RAM MIRI:

Will the Minister of INDUSTRY be pleased to state:

(a) whether the targets under PM's Rozgar Yojana in Madhya Pradesh have been achieved during the last two years;

(b) if so, in how many cases loans have been sanctioned and in how many cases actually disbursed;

(c) what are the reasons for non-disbursal of loans in sanctioned cases;

(d) whether beneficiaries are being asked to produce Bank Guarantees and if so, whether it is covered under rules; and

(e) if not, whether Government would issue appropriate directions in this regard?

THE MINISTER OF STATE IN THE MINISTER OF INDUSTRY (DEPTT. OF SMALL SCALE INDUSTRIES & RURAL INDUSTRIES) (SHRI M. ARUNACHALAM): (a) to (e) A statement is laid on the Table of the House.

Statement

(a) and (b) As against the targets of 2,710 and 20,000 fixed for the years 1993-94 and 1994-95 respectively, 2,992 and 21,840 cases were sanctioned by the banks, and as per the latest information received from the State against these sanctions 2,060 and 13,351 cases respectively have been disbursed.

(c) As per the information supplied by the State, the main reasons for non-disbursal of loans in sanctioned cases are:

(i) Failure on part of some of the applicants to complete the bank formalities;

(ii) Loss of interset on part of applicants for setting up their own ventures;

(iii) Some of the applicants getting employment elsewhere;

(iv) Failure on part of applicants to attend the required training.

(c) and (d) Some complaints that the applicants are being asked to produce collateral security have been received. These are being looked into in consultations and coordination with Department of Banking (Ministry of Finance) and Reserve Bank of India. The scheme does not envisage demand for collateral security. Instructions in this regard are being reiterated from time to time.

SHRI GOVINDRAM MIRI: *Mr. Chairman, Sir, the reply given by the hon. Minister is more confusing and one-sided. Sir, I would like to draw your attention to part (c) of the reply, wherein the entire burden has been thrown on the shoulders of the unemployed youth. The Government has not taken any responsibility. They are not bothered about their weaknesses.

The Prime Minister's Rozgar Yojana is a product of the Congress Party which has been ruling over India for most of the period. It has been... *(Interruptions)*

SHRI AJIT P.K. JOGI: You are also ruling in some States.

SHRI GOVINDRAM MIRI: I am coming to that.

The Congress is but another name for corruption. The Congress Government's scheme are a soure of corruption for its political wing. Middlemen blossom into *dalab* to loot the real beneficiaries. The Prime Minister's Rozgar Yojana is yet another instance. And that proves my point.